

**CITY OF TAKOMA PARK, MARYLAND  
PRESENTATION, REGULAR MEETING AND WORKSESSION  
OF THE CITY COUNCIL  
(Adopted October 10, 2005)**

**Monday, September 26, 2005**

**OFFICIALS PRESENT:**

Mayor Porter	City Manager Matthews
Councilmember Austin-Lane	City Clerk Carpenter
Councilmember Barry	Captain Edward Coursey
Councilmember Elrich	Community and Government Liaison Ludlow
Councilmember Ritzo	Landlord Tenant Manager Walker
Councilmember Seamens	Senior Planner Blanchard
Councilmember William	Detective Poole
	Police Chief Creamer

The Council convened at 7:34 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland.

Ms. Porter announced that the Council will meet Thursday, October 6, because of the religious holiday and the Nominating Caucus. At that time, Jere Stocks, the President of Washington Adventist Hospital, will come before Council. On that evening, there will also be a special session to make a decision on whether to place an advisory referendum on the ballot concerning Instant Runoff Voting.

Mr. Seamens expressed concern about the scheduling of the East Hampshire Development, suggesting that it was a violation of the Open Meetings Act to hear the presentation. He said he would prefer that the presentation be scheduled for the next week., noting that the Council packet did not include a copy of the presentation.

Mr. Williams commented that he was surprised that it was listed as a presentation on the agenda. The developer has announced that they are going to file their plans. There may have been a miscommunication as to what was going to happen tonight.

Ms. Porter stated that an agenda is not a requirement of the Open Meetings Act. She said she assumed that it was not included in the packet because staff did not have the information.

Mr. Seamens announced the Montgomery County Housing Fair.

Ms. Austin-Lane announced the Takoma Park Street Festival and Magic Montgomery, which will take place in Silver Spring on October 1. Ms. Austin-Lane also noted that the Montgomery County Council will hold a briefing on hazardous rail transport next Tuesday. She said she will keep the Council apprised about the issue.

Ms. Austin-Lane noted the Jessup Blair Park opening on October 7.

Ms. Austin-Lane referenced a District of Columbia and City of Takoma Park crime task force that looked at causes of crime. She requested that Council take an interest in the report by having someone with some time and expertise review it. [Council had no objection to authorizing the City Manager to move forward with this.]

Mr. Barry announced upcoming meetings of the New Hampshire Gardens Association and the Hillwood Manor Association. He noted that the next public forum on the gang issue will be held later in October. The focus of the forum will be in intervention and prevention.

Ms. Porter announced that the Board of the Washington Adventist Hospital has voted to move out of Takoma Park. They have expressed their commitment to the Long Branch facility which will include an urgent care center. WAH has reiterated their ongoing commitment to the community and has expressed a continuing commitment to include the community in future use for the WAH site. The move would not occur before 2010.

Mr. Elrich commented that he and several others who have been involved in negotiating about the expansion met with WAH representatives earlier in the evening. They indicated that the decision to move was not a response to the deal reached on the expansion. While this expansion would have worked, subsequent expansions would not have worked. That was not on the table during our discussion. The President said they concluded they couldn't build the square footage needed on the campus. When they looked at the numbers, they would have had to have taken 100-110 beds out of use during renovation, which they could not afford to do. Their analysis showed them it would cost less to build a new hospital than to renovate the old one. They reiterated that they want to work with the community on future redevelopment of the site and remain committed to the urgent care facility in Long Branch. They will still need a certificate of need from the State. They plan to have that in the spring.

Ms. Ritzo stated, on behalf of her neighbors and herself, that this is a blow to the neighborhood and the city. She said the fact of the matter is that the proposed urgent care center is not an emergency room. We are losing a workforce of healthcare workers. We shouldn't minimize it. It is not unreasonable for the Council to investigate trying to maintain the hospital in our community.

Mr. Seamens expressed his concern for the difficulties presented to some of the lower income residents of the community. The impact is difficult to assess at this time. Many can ill afford the additional expenses of transportation to another hospital.

Mr. Williams said the best thing for the City to do in terms of dealing with this is to make sure that all the alternatives are explored, including keeping the hospital here. The outcome of the process will take a lot of hard work. He said we need to look at what will best serve the community.

Ms. Austin-Lane said she, too, is concerned about the hospital relocating.

## **2. VFW Post 350 Presentation**

Commander Rich Fales of VFW Post 350 presented the 2004 Takoma Park Volunteer Fire Department Fire Fighter of the Year Award to Jerry Sanford and the award to the Takoma Park Police Officer of the Year, Detective Richard Poole.

## **ADOPTION OF MINUTES - 7/18/05; 7/25/05; 9/6/05; 9/12/05**

Upon motion by Councilmember Williams, second by Councilmember Barry, the minutes of July 18, 2005; July 25, 2005; September 6, 2005 and September 12, 2005 were adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Ritzo, Seamens, Williams).

## **PUBLIC COMMENTS**

Andy Kelemen, Chairman of the PSCAC, submitted a letter from the Committee recommending that the City purchase and install automatic external defibrillators for the Community Center.

Erwin Mack, 8107 Chester Street, commented that the Seventh-Day Adventists helped to make Takoma Park what it is. He said the Hospital leaving is an indictment to those who objected to the improvements offered by the hospital. The churches and schools will be affected by the move. He said he had hoped to tie the Sobering Center with the hospital, but that is now cloudy.

Gene Hermann, 511 New York Avenue, speaking for the Takoma Park Band, requested that the Council consider the fees to be charged for the Community Center facilities. He spoke about the contributions of the band to the community, noting the recent Council resolution commemorating their 30<sup>th</sup> anniversary. He said the fees would be a hardship on the members.

Ms. Austin-Lane requested that the Band and the Takoma Singers be taken up by the Council at an upcoming meeting to see how the City can accommodate them. She said both have shown a willingness to be bumped if the space is needed for something else.

Mr. Seamens seconded the request.

Ms. Porter said she would put in on the agenda for a future meeting.

Pat Loveless, 7620 Maple Avenue, spoke about his concern for children missing after Hurricane Katrina. Mr. Loveless also noted his concern about the proposed move of the Hospital.

Herman Bouma, Conway Avenue, requested that the City put up no parking signs at the end of Conway Avenue.

Seth Grimes, 7300 Willow Avenue, noted that Council meetings are becoming more lively, with more public comment. He said he appreciates the Council discussion about the Washington Adventist Hospital. Mr. Grimes commented that the East Hampshire Development should be discussed more thoroughly in the larger context of the City's goals for New Hampshire Avenue.

Mr. Elrich noted that the Council has raised the issue of appropriate economic development on New Hampshire Avenue and has tried to get the County involved.

Nellie Moxley, Pinecrest, commented on the East Hampshire Development. She expressed concern about notifications to the public and her desire to keep the storage facility off the site.

Lea Chartock, commented that she lives directly across from the development. She asked Council to make sure the neighborhood is advised about every step.

Mr. Williams said he is working to ensure that the neighbors have standing on the issue, so that they are notified by Park and Planning.

Dan Robinson, suggested having a working group to look at the entire New Hampshire Avenue corridor, from University Boulevard to Eastern Avenue.

Howard Kohn, 16 Jefferson, noted the events being organized for the October 22 grand opening of the Community Center. He asked for Council approval for the City Manager to spend up to \$5,000 to support the grand opening.

Seth Grimes, Willow Avenue, suggested that instead of using the \$5,000 for the grand opening, the money be put into a reserve fund to be used for building a gym.

## **PRESENTATION**

### **1. Update on the Community Center Construction Project.**

Ms. Matthews reported that the walkway through the parking lot is essentially complete. Parking in the area will be restricted to compact cars only. Ms. Matthews said she expects the building to be turned over to the City once the remaining utility issues are resolved and the related work is completed. She said she is currently dealing with WSSC to get the new water meter released. She said she will notify Council as plans for moving staff progress.

In answer to questions from Mr. Williams, Ms. Matthews said the Police Department will be moved first, then Administration staff followed by Housing and Community Development. Staff is meeting weekly to discuss moving plans. She said she anticipates four to five days for the move.

Ms. Matthews said that the plan is to have the contractor seal off a portion of the main hallway. For part of the construction, access to the hall bathrooms will be maintained. Once the staff has

moved upstairs, the back entrance will become a construction entrance which will be closed to the public. Public access will be from the Maple Avenue entrance and through the side.

Ms. Porter commented that the new walkway appears to be quite workable. She said that staff needs to ensure that the walkway remains open during the construction.

Ms. Austin-Lane commented about Mr. Kohn's request for funding for the grand opening. She said she would like to see refreshments provided to everyone who attends the event. Ms. Austin-Lane said she appreciates the walkway through the parking lot. She asked when the jersey barriers would be moved from Maple Avenue.

Ms. Matthews said that staff is pursuing having the barriers removed.

Mr. Williams proposed that the City Manager be authorized to spend up to the \$5,000, as per Mr. Kohn's request. Ms. Austin-Lane seconded. The Council authorized the expenditure.

### **3. Proposed East Hampshire Development**

Mr. Williams commented that the City and the neighborhood have worked long and hard to have the property owner work under the rules of the Takoma Park Master Plan. He said he looks forward to a collegial process where everyone is working together and communicating with each other. Mr. Williams noted that certain points of view differ about use of the property. The neighborhood has very strong feelings. He said he wants to take this in the context of the whole New Hampshire Avenue corridor. Mr. Williams said he was surprised that this is coming forward as a presentation.

Joan Weber, with Maizel Development, said she is here to announce that the developer is submitting an application to Park and Planning in order to build a self storage facility on the gateway behind the Advanced Auto building. She noted the severe restrictions on the use of the property. She commented on the proposed design.

Mr. Williams noted that if a self storage facility is built, the future use of the building is limited.

Ms. Blanchard commented on the public process. She said the property is in the commercial revitalization overlay zone. The City will have a seat at the table during development review. Because of the previous opposition to the project, it is now back at the beginning of the process. Both the Master Plan and the community can have a large impact. After the intake at Park and Planning, and review to ensure that the development has all the required materials, the plan will be distributed to the public and will be brought to Council for presentation and comments. That will be the first of a minimum of two opportunities to comment.

Mr. Williams and Ms. Porter questioned Ms. Blanchard on the City's stormwater review and tree review, confirming that all City requirements will have to be adhered to.

Ms. Weber indicated that she will work with Nellie Moxley to set a date to meet with the Pinecrest community.

Mr. Seamens commented that his vision of the corridor is not as a warehouse district. He emphasized the importance of working with the community.

Mr. Barry commented on this project and the lessons learned from review of the storage facility at Holton Lane. Mr. Barry noted that the area is important; ripe for development. He said it is not acceptable for us say we don't know what kind of development we want on New Hampshire Avenue.

Ms. Weber said that storage generates revenues and taxes. It is a small business with a business plan. This is a business that business people see as viable in this community.

Mr. Barry noted some of the lessons learned from the other self storage, including minimal signage, maximal greenery, small retail, brick facade, large windows, parking within the property, and on site manager who lives on the premises for security purposes.

Mr. Elrich said he remains skeptical of self storage. He said that our perspective is that self storage contributes nothing to the overall vibrance of the community. He said it is not helpful in terms of economic development.

Mr. Williams said the main concern he has heard from residents is about the long history of distrust with the developer. He asked if there is any way that the Council can be shown proof of the constraints on the property. Mr. Williams said that if the site ends up being developed as self storage, he wants to get the best facility possible.

## **BREAK**

The Council recessed for a scheduled break at 9:52 p.m. and reconvened at 10:14.

## **REGULAR MEETING**

### **4. Resolution Approving Guidelines for the Tenant Opportunity to Purchase Revolving Loan Fund**

Ms. Walker commented that the revolving loan fund would assist tenant associations, who wish to exercise their rights to purchase a property, with pre-development costs. Repayment would occur at the time of the sale of the property. She described the changes made after the last Council discussion.

Motion by Seamens; second by Barry.

Resolution 2005-73 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens,

Williams; ABSENT: Ritzo).

**Resolution 2005-73  
(Attached)**

**5. 2<sup>nd</sup> Reading Ordinance re: Amendments to the Nuclear Free-Zone Act**

Motion by Elrich; second by Barry.

Mr. Seamens encouraged the Nuclear Free Takoma Park Committee to explore issues and work to educate the community.

Ordinance 2005-29 was adopted by roll-call vote (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Ritzo).

**Ordinance 2005-29  
(Attached)**

**6. 2<sup>nd</sup> Reading Ordinance re: State Homeowner Tax Credit Program**

Motion by Elrich; second by Williams.

Ordinance 2005-30 was adopted by roll-call vote (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Ritzo).

**Ordinance 2005-30  
(Attached)**

**7. 2<sup>nd</sup> Reading Ordinance re: 2005 Nominating Caucus and City Election**

Motion by Elrich; second by Austin-Lane.

Ordinance 2005-27 was adopted by roll-call vote (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Barry).

**Ordinance 2005-27  
(Attached)**

**8. 1<sup>st</sup> Reading Ordinance re: Amendment to Takoma Park Code, Elections**

The City Clerk explained that the amendment would permit children under age 13 to enter the voting booth with their parents, consistent with the Maryland Code. Currently, the Code prohibits children over the age of five from accompanying an adult into the voting booth.

Motion by Austin-Lane; second by Elrich.

Pat Loveless, Maple Avenue, spoke in favor of the ordinance.

Ordinance 2005-34 was accepted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Ritzo).

**Ordinance 2005-34**  
**(Attached)**

**9. 2<sup>nd</sup> Reading Ordinance re: Authorization to Purchase of a Non-Channelized Bi-Directional Amplifier to Provide Police Radio Coverage in the Public Safety Level of the Community Center**

Motion by Elrich, second by Austin-Lane

Ordinance 2005-31 was adopted by roll-call vote (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Ritzo).

**Ordinance 2005-31**  
**(Attached)**

**10. 2<sup>nd</sup> Reading Ordinance re: Financial and Accounting Consulting Services**

Motion by Elrich; second by Austin-Lane.

Ordinance 2005-33 was adopted by roll-call vote (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Ritzo).

**Ordinance 2005-33**  
**(Attached)**

**11. Consent Agenda**

Motion by Elrich; second by Austin-Lane, to adopt the Consent Agenda. (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams; ABSENT: Ritzo).

**A. Resolution 2005-74, Providing for Appointments to the Public Safety Citizens Advisory Committee - Len Clay, Aaron Houston, Darren Morgen**

**B. Resolution 2005-75, Providing for Appointments to the Ethics Commission - Art, Gary, Emily Schabacker**

**C. Resolution 2005-76, Providing for an Appointment to the Tree Commission - Pat Howell**



**Resolutions 2005-74, 2005-75, 2005-76  
(Attached)**

**WORKSESSION**

**12. Alcohol Beverage License - Manna Restaurant, 8640 Flower Avenue**

Ms. Ludlow explained that Manna Restaurant has recently filed an application to reclassify their license from Class H to Class B. There is a hearing scheduled for Oct. 6. Ms. Ludlow said she wanted to acknowledge that she has not spoken to the applicant or to the neighborhood because of the short time frame. The Class H license allows restaurants to serve beer and wine on site; the Class B allows carry-out beer and wine sales. She said it has been our understanding that we do not have carry-out beer and wine sales in Takoma Park except for those who have been grandfathered in from Prince George's County. Ms. Ludlow advised Council about some preliminary research done by the City Attorney. She recommended that Council authorize the City Manager to send a letter opposing a change in the license and looking into pursuing State legislation that clarifies what is permissible in Takoma Park.

There was a brief discussion about how this might impact such sales in Old Town.

The Council authorized Ms. Ludlow to draft a letter for the City Manager's signature, which she agreed to circulate to the Council for review.

**ADJOURNMENT**

The Council adjourned for the evening at 10:48 p.m.